

Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Petitioner failed to respond to Respondents' motion for summary judgment. The Magistrate Judge advised Petitioner of his right to file objections to the Report and Recommendation and the consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. This action is ***DISMISSED*** *for failure of prosecution*.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 19, 2005

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